

REMARKS

The status of the application is as follows. Claims 19-37 are in the application. In the outstanding office action the claims 19-38 were rejected under Sections 101, 102, 103 and 112. The drawings and the abstract were objected to based upon informalities. The specification was objected to based upon use of trademarks and several inconsistencies identified by the examiner. Numerous objections were also made to the claims.

To address the objections to the drawing, abstract and specification, a replacement sheet of the drawings containing Figure 2 is submitted herewith, and the abstract and specification are also amended. These provide a complete response to concerns raised by the examiner with regard to the drawing, abstract and specification.

Claim 19 was rejected under Section 112 on two grounds. The first basis was that the phrase “a first file” lacks antecedent basis in the specification and drawing. Applicants submit that there is requisite support for this feature as well as the claimed “second file.” First, it is noted that the claimed “second file” may be read upon the “file 11” as indicated in paragraph [0033] which is designated as “second file or [an] XML file ...” Second, it is noted that the claimed “first file” may be read upon the subsection 21. See Figure 2. Support for this is found in paragraph [0038] which states in part:

“The content of the subdirectory 20 in this example is the subsection 21, which does not feature a further subdirectory but represents an individual file having the designation C2_b-File1.html, wherein said designation also labels the characteristic start symbol.”

The second basis for rejecting Claim 19 under Section 112 was that “subordinate hierarchy level” lacks clarity and might be read upon the claimed “second hierarchy level.” Applicants disagree because “subordinate” is a relative term which is to be read in the context of the claim, i.e., meaning subordinate relative to “the first or the second hierarchy level.”

For these reasons it is requested that the rejection under Section 112 as applied to claim 19 be removed. Amendments to claim 19 fully address the examiner's objection to the claim, i.e., that two recitations had the same meaning.

Claim 28, rejected under Section 112, has been amended to correct error of an apparent nature. Further, in response to the Examiner's concern about the term "mechanism" it is noted that the now-claimed "mechanism" may be read upon a publishing mechanism such as referenced in the last sentence of paragraph [0025]. Claims 30, 33 and 34 have been amended to depend from claim 26.

The claims were rejected under Section 101 as being directed to non-statutory subject matter. All of the claims were also rejected based on art cited by the applicants (Carpentier WO 01 18633 and Lenz US 6,029,196). Claim 19, from which all other claims depend, has been amended to define statutory subject matter and distinguish the invention over the prior art. The invention is now more clearly directed to subject matter having substantial utility, e.g., enabling remote access to alter operation of a device by operating an apparatus as a web server.


The claims are now more clearly allowable over the prior art because they are directed to an "apparatus configured to receive files and updates thereto through a communication network, ... the apparatus being responsive to control operation of a device according to one or more of the files ..." This subject matter is clearly different from anything disclosed or suggested by the art of record. Such features are totally absent from the cited art. Therefore it is submitted that the claims are distinct and non-obvious over the prior art.

Conclusion

Based on the above amendments and the remarks provided, all of the claims are believed now to be allowable and the application to be in condition for allowance. The Commissioner is hereby authorized to charge any appropriate fees due in connection with this paper, including the fees specified in 37 C.F.R. §§ 1.16 (c), 1.17(a)(1) and 1.20(d), or credit any overpayments to Deposit Account No. 19-2179.

Respectfully submitted,

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Enclosure: replacement sheet 2/4 of the drawings